

United States District Court
Middle District of Florida
Jacksonville Division

JACQUELINE E. RIVAS DE JESUS,

Plaintiff,

v.

No. 3:21-cv-334-MMH-PDB

**BRIDGESTONE AMERICAS TIRE
OPERATIONS, LLC,**

Defendant.

Order

Before the Court is the defendant's motion to compel Orlando Family Medical, Inc. (OFM), to comply with a subpoena to produce documents. Doc. 24; *see* Doc. 24-2 (subpoena). The defendant served the subpoena on OFM on July 13, 2021. *See* Doc. 24-3. The subpoena required production of documents in Orlando, Florida, by July 30, 2021. Doc. 24-2 at 1. OFM failed to produce any documents or otherwise respond to the subpoena. Doc. 24 at 2.

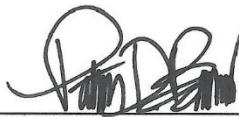
After trying without success to discuss the noncompliance with an OFM representative, the defendant filed the current motion. Doc. 24 at 3–4. The defendant served the motion on OFM on December 6, 2021. Doc. 24 at 8. OFM has failed to respond to the motion.

A court for the district where compliance with a subpoena is required may “hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.” Fed. R. Civ. P. 45(g). “In civil litigation, it would be rare for a court to use contempt sanctions without first ordering compliance with a subpoena.” Fed. R. Civ. P. 45(g)

advisory committee's note to 2013 amendment. The defendant requests only an order compelling OFM to produce the requested documents.

With no challenge to the subpoena or an explanation for noncompliance from OFM, and otherwise concluding that the requested relief is warranted, the Court grants the motion to compel, Doc. 24, and **orders** OFM to produce the documents requested in the subpoena at the place stated in the subpoena, Doc. 24-2, by **January 12, 2022**. The Court directs the defendant to arrange for service of this order on OFM by **December 29, 2021**. The defendant must file proof of service as soon as practicable. The Court cautions OFM that failure to comply with this order may lead to contempt sanctions against it.

Ordered in Jacksonville, Florida, on December 22, 2021.



PATRICIA D. BARKSDALE
United States Magistrate Judge